

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

3-CA-283012

Date Filed

September 16, 2021

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer Goddard College Corporation		b. Tel. No. (802) 322-1652	
		c. Cell No.	
		f. Fax No.	
d. Address (Street, city, state, and ZIP code) 123 Pitkin Road VT Plainfield 05667	e. Employer Representative Leesa Stewart Chief Finance and Administration Officer		g. e-Mail leesa.stewart@goddard.edu
			h. Number of workers employed 30
i. Type of Establishment (factory, mine, wholesaler, etc.) Schools	j. Identify principal product or service Education		
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--			
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Patrick Richard Burke Title: Union Representative United Auto Workers Local 2322			
4a. Address (Street and number, city, state, and ZIP code) 4 Open Square Way Suite #406 MA Holyoke 01040		4b. Tel. No. (800) 682-0269	
		4c. Cell No. (413) 454-5692	
		4d. Fax No.	
		4e. e-Mail patrick@uaw2322.org	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) United Auto Workers			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By  (signature of representative or person making charge)		Tel. No. (800) 682-0269	
Patrick Richard Burke Title: Union Representative (Print/type name and title or office, if any)		Office, if any, Cell No. (413) 454-5692	
		Fax No.	
4 Open Square Way Suite #406 Address Holyoke MA 01040		e-Mail patrick@uaw2322.org	
		09/16/2021 12:54:31 PM (date)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees.

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by making unilateral changes in terms and conditions of employment.

List Changes	Approximate date of change
Change in policy requiring masks be worn	09/15/2021
Change from remote work to in-person work	09/15/2021



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlrb.gov
Telephone: (716)551-4931
Fax: (716)551-4972



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September 16, 2021

Leesa Stewart, Chief Finance and Administration Officer
Goddard College Corporation
123 Pitkin Road
Plainfield, VT 05667

Re: Goddard College Corporation
Case 03-CA-283012

Dear Ms. Stewart:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney NICOLE ROBERTS whose telephone number is (716)398-7024. If this Board agent is not available, you may contact Regional Director LINDA M. LESLIE whose telephone number is (716)398-7017.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

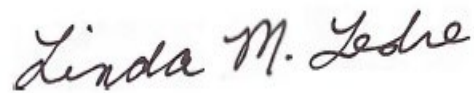
If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, reading "Linda M. Leslie". The signature is written in a cursive, flowing style.

LINDA M. LESLIE
Acting Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 03-CA-283012
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (<i>Check the largest amount</i>): <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GODDARD COLLEGE CORPORATION

Charged Party

and

UNITED AUTO WORKERS LOCAL 2322

Charging Party

Case 03-CA-283012

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 16, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Leesa Stewart, Chief Finance and
Administration Officer
Goddard College Corporation
123 Pitkin Road
Plainfield, VT 05667

September 16, 2021

Date

Andrea Seyfried, Designated Agent of
NLRB

Name

/s/Andrea Seyfried

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
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Telephone: (716)551-4931
Fax: (716)551-4972



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September 16, 2021

Patrick Richard Burke, Union Representative
United Auto Workers Local 2322
4 Open Square Way Suite #406
Holyoke, MA 01040

Re: Goddard College Corporation
Case 03-CA-283012

Dear Mr. Burke:

The charge that you filed in this case on September 16, 2021 has been docketed as case number 03-CA-283012. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney NICOLE ROBERTS whose telephone number is (716)398-7024. If this Board agent is not available, you may contact Regional Director LINDA M. LESLIE whose telephone number is (716)398-7017.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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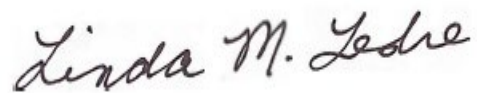
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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Linda M. Leslie". The ink is dark and the signature is fluid.

LINDA M. LESLIE
Acting Regional Director

Goddard College

PLAINFIELD, VERMONT | PORT TOWNSEND & SEATTLE, WA

September 28, 2021

Nicole Roberts
Unites States Government
National Labor Relations Board
Region 3
Niagara Center Building
130 S. Elmwood Avenue, Suite 630
Buffalo, NY 14202-2387

RE: Goddard College Corporation Case 03-CA-283012

Dear Ms. Roberts,

The Board should dismiss the pending charge filed by United Auto Workers Local 2322 ("the Union") alleging that Goddard College violated Section 8(a)(5) of the Act. Goddard fulfilled all bargaining obligations with the Union when it developed and implemented policies in relation to the COVID-19 pandemic.

In March of 2020, Goddard College's Chief Academic Officer, President and Chief Finance and Administration Officer directed all employees to work from home as COVID cases were becoming concerning in the United States and Europe. We made this decision with no input or complaint from the Union, based on the CBA-recognized and inherent Management Rights and authority to make decisions in emergency situations.

As the circumstances of the COVID-19 transmission in Vermont changed, on August 10, 2021 the college's executive leadership team made the determination to lift the emergency order that employees work from home, and the College requested that all employees return to campus on September 13. Hearing from our employees and the Union that they needed additional time, we extended the return to work date to September 27.

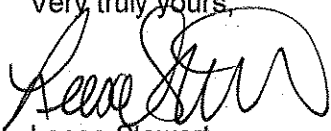
Concurrent with the foregoing, Goddard College's Chief Finance and Administration Officer, Leesa Stewart, met with the Union, at its request, on this matter on August 17, 2021, August 31, 2021, September 3, 2021, September 7, 2021, and September 10, 2021 and September 24, 2021 to discuss and bargain over the impact of the return-to-work mandate. These discussions lead to revisions and clarity regarding the return-to-work expectations. On September 15, 2021, the College notified employees that the expectation of a return to campus on September 27 was firm, as we had reached impasse with the Union over an extension of the return to work date and a mask mandate. The Union wished to extend the return to work date to October 18 and wanted a required on-Campus mask mandate. The College ultimately did not agree to the further extension or to the mask mandate in the manner sought by the Union. However, because the Union was provided six weeks' notice and parties met six times to discuss and bargain over this issues, impasse was reached on these matters of impact bargaining. Ultimately, the College administration implemented its position that it would follow the masking mandates of the local jurisdiction where bargaining unit employees worked, as opposed to having a different institutional mask mandate that was preferred by the Union. The mask mandate

(which was to follow local and state guidance regarding masks) had initiated at the start of the COVID pandemic and was followed after numerous meetings with the Union where the Union's positions were fully aired and considered.

On these facts, there is no violation of Section 8(a)(5). The College met and conducted significant impact bargaining with the union in order to effectuate the return-to-work policies necessary for the College's operations. Although the Union did not achieve all it sought in these discussions, it is unassailable that the College fulfilled its bargaining obligation with the Union to engage in impact bargaining.

Please let me know if you have any questions or require any further information.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Leesa Stewart', written over a horizontal line.

Leesa Stewart
Chief Finance and Administration Officer.

INTERNET
FORM NLRB 2301UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

AMENDED

DO NOT WRITE IN THIS SPACE

Case

3-CA-283012

Date Filed

11/18/2021

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Goddard College Corporation		b. Tel. No. (802) 322-1652
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 123 Pitkin Road VT Plainfield 05667	e. Employer Representative Leesa Stewart Chief Finance and Administration Officer	g. e-Mail leesa.stewart@goddard.edu
		h. Number of workers employed 30
i. Type of Establishment (factory, mine, wholesaler, etc.) Schools	j. Identify principal product or service Education	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)Patrick Richard Burke Title: Union Representative
United Auto Workers Local 2322**4a. Address (Street and number, city, state, and ZIP code)**4 Open Square Way Suite #406
MA Holyoke 010404b. Tel. No.
(800) 682-02694c. Cell No.
(413) 454-5692

4d. Fax No.

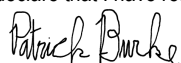
4e. e-Mail
patrick@uaw2322.org**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

United Auto Workers

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By



(signature of representative or person making charge)

Patrick Richard Burke
Title: Union Representative

(Print/type name and title or office, if any)

4 Open Square Way Suite #406

Address Holyoke MA 01040

10/27/2021

(date)

Tel. No.
(800) 682-0269Office, if any, Cell No.
(413) 454-5692

Fax No.

e-Mail
patrick@uaw2322.org**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

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Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees.

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by making unilateral changes in terms and conditions of employment.

List Changes	Approximate date of change
Change in policy requiring masks be worn	09/15/2021
Change from remote work to in-person work	09/15/2021



10/27/2021

Patrick Burke



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlr.gov
Telephone: (716)551-4931
Fax: (716)551-4972



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November 18, 2021

Leesa Stewart, Chief Finance and Administration Officer
Goddard College Corporation
123 Pitkin Road
Plainfield, VT 05667

Re: Goddard College Corporation
Case 03-CA-283012

Dear Ms. Stewart:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney NICOLE ROBERTS whose telephone number is (716)398-7024. If the agent is not available, you may contact Regional Attorney LINDA M. LESLIE whose telephone number is (716)398-7017.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its

determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Nancy Wilson", is positioned above the typed name.

NANCY WILSON
Acting Regional Director

Enclosure: Copy of first amended charge

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GODDARD COLLEGE CORPORATION

Charged Party

and

UNITED AUTO WORKERS LOCAL 2322

Charging Party

Case 03-CA-283012

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on November 18, 2021, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Leesa Stewart, Chief Finance and
Administration Officer
Goddard College Corporation
123 Pitkin Road
Plainfield, VT 05667

November 18, 2021

Date

LOUIS F. PORTO, Designated Agent of
NLRB

Name

/s/LOUIS F. PORTO

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlr.gov
Telephone: (716)551-4931
Fax: (716)551-4972



Download
NLRB
Mobile App

November 18, 2021

Patrick Richard Burke, Union Representative
United Auto Workers Local 2322
4 Open Square Way Suite #406
Holyoke, MA 01040

Re: Goddard College Corporation
Case 03-CA-283012

Dear Mr. Burke:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney NICOLE ROBERTS whose telephone number is (716)398-7024. If the agent is not available, you may contact Regional Attorney LINDA M. LESLIE whose telephone number is (716)398-7017.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to

comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Nancy Wilson", written in a cursive style.

NANCY WILSON
Acting Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlr.gov
Telephone: (716)551-4931
Fax: (716)551-4972



Download
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December 2, 2021

Leesa Stewart, Chief Finance and Administration Officer
Goddard College Corporation
123 Pitkin Road
Plainfield, VT 05667

Re: Goddard College Corporation
Case 03-CA-283012

Dear Ms. Stewart:

Enclosed is a copy of the second amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney NICOLE ROBERTS whose telephone number is (716)398-7024. If the agent is not available, you may contact Regional Attorney LINDA M. LESLIE whose telephone number is (716)398-7017.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its

determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Nancy Wilson", written in a cursive style.

NANCY WILSON
Acting Regional Director

Enclosure: Copy of second amended charge

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GODDARD COLLEGE CORPORATION

Charged Party

and

UNITED AUTO WORKERS LOCAL 2322

Charging Party

Case 03-CA-283012

AFFIDAVIT OF SERVICE OF SECOND AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on December 2, 2021, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Leesa Stewart, Chief Finance and
Administration Officer
Goddard College Corporation
123 Pitkin Road
Plainfield, VT 05667

December 2, 2021

Date

LOUIS F. PORTO, Designated Agent of
NLRB

Name

/s/LOUIS F. PORTO

Signature

INTERNET
FORM NLRB-2301UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
03-CA-283012Date Filed
12/2/2021**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Goddard College Corporation		b. Tel. No. (802) 322-1652
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 123 Pitkin Road VT Plainfield 05667	e. Employer Representative Leesa Stewart Chief Finance and Administration Officer	g. e-Mail leesa.stewart@goddard.edu
		h. Number of workers employed 30
i. Type of Establishment (factory, mine, wholesaler, etc.) Schools	j. Identify principal product or service Education	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3, 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about September 15, 2021 the Employer refused to bargain in good faith with the Union by unilaterally changing the masking policy and/or changing employees from remote to in-person work.

Since on or about October 13, 2021 the Employer constructively discharged employee Dechan Alberro because the employee engaged in protected concerted activities and to discourage employees from engaging in protected concerted activities and/or because Dechan Alberro joined or supported a labor organization and to discourage union activities and/or membership.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Patrick Richard Burke Title: Union Representative
United Auto Workers Local 2322

4a. Address (Street and number, city, state, and ZIP code)

4 Open Square Way Suite #406
MA Holyoke 01040

4b. Tel. No.
(800) 682-02694c. Cell No.
(413) 454-5692

4d. Fax No.

4e. e-Mail
patrick@uaw2322.org**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

United Auto Workers

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By 
(signature of representative or person making charge)

Patrick Richard Burke
Title: Union Representative
(Print/type name and title or office, if any)

Tel. No.
(800) 682-0269Office, if any, Cell No.
(413) 454-5692

Fax No.

e-Mail
patrick@uaw2322.org

4 Open Square Way Suite #406
Address Holyoke MA 01040

11/15/2021
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Goddard College Corporation
and
United Auto Workers Local 2322

CASE 03-CA-283012

Goddard College Corporation

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Respondent Goddard College


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME:	Joseph P McConnell		
MAILING ADDRESS:	200 State Street, Suite 11A, Morgan, Brown & Joy LLP		
	Boston MA		
E-MAIL ADDRESS:	jmccconnell@morganbrown.com		
OFFICE TELEPHONE NUMBER:	6175236666		
CELL PHONE NUMBER:	6178772742	FAX:	
SIGNATURE:			
DATE:	(Please sign in ink.) Tuesday, March 8, 2022 4:10 PM Eastern Standard Time		

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 3**

GODDARD COLLEGE CORPORATION

and

Case 03-CA-283012

UNITED AUTO WORKERS LOCAL 2322

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by United Auto Workers Local 2322 (Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (Board) and alleges that Goddard College Corporation (Respondent) has violated the Act as described below.

1.

(a) The charge in this proceeding was filed by the Union on September 16, 2021, and a copy was served on Respondent by U.S. mail on the same date.

(b) The first amended charge in this proceeding was filed by the Union on November 18, 2021, and a copy was served on Respondent by U.S. mail on the same date.

(c) The second amended charge in this proceeding was filed by the Union on December 2, 2021, and a copy was served on Respondent by U.S. mail on the same date.

2.

(a) At all material times, Respondent has been a corporation with its principal place of business in Plainfield, Vermont (Respondent's facility), where it operates a private nonprofit educational institution.

(b) Annually, Respondent, in conducting its business operations described above in paragraph 2(a), derives gross revenues available for operating expenses in excess of \$1 million, and purchases and receives at its Plainfield, Vermont facility products, goods, and materials valued in excess of \$5,000 directly from points outside the State of Vermont.

3.

At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4.

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5.

(a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Leesa Stewart	--	Chief Finance and Administration Officer
---------------	----	--

Dan Hocoy	--	College President
-----------	----	-------------------

(b) At all times from about July 1, 2020, to about June 25, 2021, Mary Willems held the position of Respondent's Director of Development and was a supervisor of Respondent within

the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

6.

(a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time, regular part-time, and temporary administrative, clerical, technical, maintenance and service employees employed by the Respondent at its Plainfield, Vermont campus but excluding all faculty, managerial and confidential employees, guards and supervisors as defined by the Act.

(b) At all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which was effective from September 8, 2015, to June 30, 2018, but was extended to June 30, 2021.

(c) At all material times, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

7.

(a) About September 15, 2021, Respondent implemented a return-to-work policy for Unit employees that included: 1) a return-to-work date of September 27, 2021; 2) a change from a mask mandate to a mask recommendation; and 3) providing Unit employees one sick day, instead of one and a half sick days for employees that develop adverse vaccine reactions.

(b) The subjects set forth above in paragraph 7(a) relate to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(c) Respondent engaged in the conduct described above in paragraph 7(a) without first bargaining with the Union to an overall good-faith impasse.

8.

(a) About October 13, 2021, Respondent unilaterally changed the full-time remote work status of the associate director of development position.

(b) The subject set forth above in paragraph 8(a) relates to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(c) Respondent engaged in the conduct described above in paragraph 8(a) without prior notice to the Union and without affording the Union an opportunity to bargain with Respondent with respect to this conduct and the effects of this conduct.

(d) As a result of Respondent's conduct described above in paragraph 8(a) and (c), on November 4, 2021, Respondent terminated its employee Dechen Albero.

9.

By the conduct described above in paragraphs 7(a) and (c), and 8(a), (c), and (d), Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

10.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 7, 8, and 9, the General Counsel seeks an Order requiring Respondent, inter alia, to

preserve and, within 14 days of a request, provide at the office designated by the Board or its agents, a copy of all payroll records, social security payroll records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of such Order. If requested, the originals of such records shall be provided to the Board or its agents in the same manner.

WHEREFORE, in order to fully remedy the unfair labor practices alleged above in paragraphs 7, 8, and 9, the General Counsel seeks an Order requiring that employees be made whole, including reasonable consequential damages incurred as a result of the Respondent's unlawful conduct.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before April 11, 2022 or postmarked on or before April 12, 2022**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that

the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on May 23, 2022, at 12:00 p.m., and on consecutive days thereafter until concluded, a hearing is scheduled as a Virtual Hearing, on the Zoom platform, before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are

described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: March 28, 2022

/s/ Linda M. Leslie
Linda M. Leslie, Regional Director
National Labor Relations Board
Region 3
130 South Elmwood Ave, Suite 630
Buffalo, New York 14202-2387

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 03-CA-283012

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Leesa Stewart , Chief Finance and
Administration Officer
Goddard College Corporation
123 Pitkin Road
Plainfield, VT 05667

Joseph P. McConnell , Esquire
Morgan, Brown & Joy, LLP
200 State Street, Suite 11A
Boston, MA 02109-2605

Patrick Richard Burke , Union Representative
United Auto Workers Local 2322
4 Open Square Way Suite #406
Holyoke, MA 01040

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility

of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 03**

In the matter of:

GODDARD COLLEGE CORPORATION

and

Case No. 03-CA-283012

UNITED AUTO WORKERS LOCAL 2322

ANSWER TO COMPLAINT

Employer Goddard College Corporation (the “College” or the “Employer”), by and through its counsel, hereby answers the individually numbered paragraphs set forth in the Complaint and Notice of Hearing (the “Complaint”) in the above-captioned matter. The College specifically denies any allegation not specifically admitted.

1(a). The College admits that a copy of the charge in this proceeding was served on the College. The College lacks information sufficient to form a belief as to the remaining allegations contained in paragraph 1(a), and therefore denies the same.

1(b). The College admits the allegations contained in paragraph 1(b).

1(c). The College admits the allegations contained in paragraph 1(c).

2(a). The College admits the allegations contained in paragraph 2(a).

2(b). The College admits the allegations contained in paragraph 2(b).

3. The College admits the allegations contained in paragraph 3.

4. The College admits the allegations contained in paragraph 4.

5(a). The College admits the allegations contained in paragraph 5(a).

5(b). The College admits the allegations contained in paragraph 5(b).

- 6(a). The College admits the allegations contained in paragraph 6(a).
- 6(b). The College admits the allegations contained in paragraph 6(b).
- 6(c). The College admits the allegations contained in paragraph 6(c).
- 7(a). The College admits the allegations contained in paragraph 7(a).
- 7(b). The College denies the allegations contained in paragraph 7(b).
- 7(c). The College denies the allegations contained in paragraph 7(c).
- 8(a). The College denies the allegations contained in paragraph 8(a).
- 8(b). The College denies the allegations contained in paragraph 8(b).
- 8(c). The College denies the allegations contained in paragraph 8(c).
- 8(d). The College denies the allegations contained in paragraph 8(d).
- 9. The College denies the allegations contained in paragraph 9.
- 10. The College denies the allegations contained in paragraph 10.

By way of affirmative defense, the College states that it did not violate Sections 8(a)(1) or 8(a)(5) of the Act in any manner, that the College fulfilled any and all bargaining obligations it had concerning the matters described, and that this matter should be dismissed in its entirety.

Respectfully submitted,

GODDARD COLLEGE CORPORATION,

By its attorneys,



Joseph P. McConnell, Esq.
MORGAN, BROWN & JOY, LLP

Dated: April 11, 2022

200 State Street, 11th Floor
Boston, MA 02109
(617) 523-6666

Certificate of Service

I hereby certify that a copy of the forgoing was served upon the following on April 11, 2022:

National Labor Relations Board and Region 03
(via Electronic Filing)

Patrick Richard Burke , Union Representative
United Auto Workers Local 2322
4 Open Square Way Suite #406
Holyoke, MA 01040
(via email to patrick@uaw2322.org)



Joseph P. McConnell

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 3**

GODDARD COLLEGE CORPORATION

and

Case 03-CA-283012

UNITED AUTO WORKERS LOCAL 2322

ORDER DESIGNATING TIME OF HEARING

IT IS HEREBY ORDERED that the hearing in the above-captioned case, which was originally scheduled to take place via Zoom videoconference on May 23, 2022, at 12:00 p.m., is rescheduled to commence at 9:00 a.m.

DATED at Buffalo, New York this 16th day of May 2022.

/s/ Gregory Lehmann

GREGORY LEHMANN, Acting Regional Director
National Labor Relations Board,
Region Three
130 South Elmwood Avenue, Suite 630
Buffalo, NY 14202

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
THIRD REGION**

GODDARD COLLEGE CORPORATION

and

Case 03-CA-283012

UNITED AUTO WORKERS LOCAL 2322

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter, which was scheduled to commence on May 23, 2022 at 9:00 a.m., is rescheduled to commence via Zoom videoconference on June 15, 2022 at 9:00 a.m. and continue on consecutive days thereafter until concluded.

DATED at Buffalo, New York this 25th day of May 2022.

/s/ Linda M. Leslie

LINDA M. LESLIE, Regional Director
National Labor Relations Board
Region Three
Niagara Center Building – Suite 630
130 S. Elmwood Avenue
Buffalo, New York 14202